

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re FLINT WATER CASES

Civil Action No. 5:16-cv-10444-JEL

Hon. Judith E. Levy

**CORRECTED ORDER DIRECTING THE MICHIGAN DEPARTMENT OF
HEALTH AND HUMAN SERVICES TO PROVIDE ACCESS TO BIRTH
CERTIFICATES AS SPECIFIED HEREIN TO AID IN THE
IMPLEMENTATION OF THE PARTIAL SETTLEMENT**

On November 10, 2021, the Court issued its *Opinion and Order Granting Final Approval of a Partial Settlement, Granting Certification of a Settlement Class, Granting Appointment of Settlement Class Counsel [1794], Denying Objections, and Adopting the Report and Recommendation [2006]*, ECF No. 2008 (“Final Approval Order”).¹ Under the terms of the settlement, claimants will in some cases be required to provide proof of date of birth via a birth certificate.

The Court also issued a January 26, 2021 *Order Taking Judicial Notice of the Appointment of Next Friends and Ordering Parallel Relief with the Genesee County Circuit Court [1365]*, ECF No. 1405, appointing certain individuals to act as Next

¹ All capitalized terms herein have the same meaning set forth in the Amended Settlement Agreement that the Court has approved.

Friends for any related Minor or LII for purposes of registering and pursuing a claim and recovery under the Amended Settlement Agreement (“Next Friend Order”).

Under the Amended Settlement Agreement and the Next Friend Order, individuals seeking to act as a Next Friend for a Minor or LII must provide proof that they are a parent (natural or adoptive), grandparent, legal guardian, existing court-appointed representative, adult sibling (full, half, or step), or adult aunt or uncle, of the Minor or LII. *See* Paragraph 21.11 of the Amended Settlement Agreement, ECF No. 1394-2, PageID.54187-54188; Paragraph 4 of the Next Friend Order, ECF No. 1405, PageID.54489.

The March 5, 2021 *Stipulated Joint Order to Compel Production of Information Regarding Foster Children and Other Wards of the State and to Authorize the Identification of Next Friends for Appointment for Such Individuals*, ECF No. 1457, (“Foster Children Order”) recognized the role that Special Master Deborah Greenspan and Master Guardian Ad Litem Miriam Wolock have with respect to assisting Foster Children in registering for and submitting claims for recovery under the Amended Settlement Agreement.

In furtherance of the implementation of the terms of the Amended Settlement Agreement, the Next Friend Order, and the Foster Children Order, the Court hereby finds and orders as follows:

- A. Pursuant to MCL § 333.2882(1)(a)(iv), the Division for Vital Records and Health Statistics of the Michigan Department of Health and Human Services (“Vital Records”) shall provide birth certificates and affidavits of parentage (certified or otherwise) requested by the Special Master or Master Guardian Ad Litem that they deem necessary to verify claims or to assist in both identifying and documenting the necessary relationships for individuals to act as Next Friends for Minors or LIIs that have registered for and are pursuing a claim and recovery under the Amended Settlement Agreement.
- B. The Special Master and Master Guardian Ad Litem may instruct Vital Records to provide copies of the requested birth certificates and affidavits of parentage to them, or directly to the Claims Administrator, or to Counsel who represents the Individual Plaintiff or Foster Child or to Class Counsel. In such cases, the Special Master and Master Guardian Ad Litem will provide specific instructions to Vital Records.
- C. Nothing stated in this Order should be construed as preventing Vital Records from charging up to its normal fees and costs for providing searches for birth certificates or affidavits of parentage.
- D. Vital Records shall provide appropriate invoices for any charges for providing searches for the birth certificates or affidavits of parentage. The Special Master or Guardian Ad Litem shall provide recommendations to the

Court requesting authorization to pay such invoices from the assets of the Qualified Settlement Fund. The invoices shall be submitted monthly and shall state the aggregate costs and fees incurred and shall further itemize the birth certificates or affidavits provided so that the Claims Administrator can assign the costs to the specific relevant claimants. Upon authorization of the Court to pay such invoices from the Qualified Settlement Fund, the Claims Administrator will subsequently deduct from each relevant Claimant's Monetary Award any fees and costs charged by Vital Records for obtaining the birth certificates or affidavits of parentage.

IT IS SO ORDERED.

Date: February 4, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 4, 2022.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager